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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/907,260	07/17/2001	Paul D. Keppel	3173	7018

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EXAMINER

MAYO III, WILLIAM H

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 04/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/907,260

Applicant(s)

KEPPEL, PAUL D.

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 10 and 13 is/are rejected.
- 7) ☒ Claim(s) 4, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Webster's Dictionary* (pg 602).

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed March 6, 2003 has been submitted for consideration by the Office. It has been placed in the application file and the information referred to therein has been considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 13 recites the limitation "said plurality of insulated conductors" in lines 1-2, which is confusing and renders the claim indefinite. It is unclear whether the applicant intends to refer to the previous mentioned "plurality of bare conductors" or introducing a new set of insulated conductors. If the applicant is referring to the previous mentioned term, then he/she should recite the term with consistency. If the applicant is referring to a new set of insulated conductors, then he/she should make the term more distinguishable.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray (Pat Num 5,545,379). Gray discloses an electrical conductor (Figs 1-5) for generating a corona discharge (Col 1, lines 6-11). Specifically, with respect to claim 1, Gray discloses an electrical conductor (10) comprising a plurality of bare wires (28) juxtaposed in a first curvilinear row (i.e. helically) and coiled equal-distantly about a curvilinear centerline forming a curvilinear helix (Col 3, lines 29-32) and an conductor (16), which is insulated with insulation (18), is positioned along the curvilinear centerline and disposed within the bare wires (28, Fig 1). With respect to claim 2, Gray discloses that the plurality of bare wires (28) comprises three or more bare wires (i.e. four, Fig 2). With respect to claim 3, Gray discloses that the plurality of bare wires (28) make up the conductor layer (20), which is grounded (Col 2, lines 59-62). With respect to claim 9, Gray discloses a wire assembly (10) comprising a first conductor (16), a plurality of bare second conductors (28) juxtaposed and forming a first helix conductor layer (20, i.e. helically, Fig 1) around the first conductor (16), wherein an insulator (18) insulates the plurality of bare second conductors (28) from the first conductor (16, Col 2, lines 55-62).

With respect to claim 10, Gray discloses that the plurality of bare wires (28) comprises three or more bare wires (i.e. four, Fig 2).

Allowable Subject Matter

7. Claims 5-8 are allowed.
8. Claims 4 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
10. The following is a statement of reasons for the indication of allowable subject matter: This invention deals with an electrical conductor that is capable of applying at least eighty percent of voltage supplied to the conductor (claim 4). This invention also deals with an electrical conductor that further comprises a plurality of insulated wires juxtaposed in a second curvilinear row and coiled around the bare wires forming a curvilinear generally rectangular chamber around the bare wires (claim 5). This invention also deals with a wire assembly that further comprises a plurality of third conductors being coiled around the plurality of second conductors (claim 11). The above stated claim limitations, in combination with other claim limitations, is not taught

or suggested by the prior art of record. Claims 6-8 are depended upon allowed claim 5 and therefore are allowed.

Response to Arguments

11. Applicant's arguments filed March 6, 2003 have been fully considered but they are not persuasive. The applicant argues the following:

- A) Gray cannot anticipate the claimed invention because Gray discloses that the conductors are spaced apart from each other and therefore are not juxtaposed and therefore fails to teach each and every claim limitation of the claim.

With respect to argument A, the examiner respectfully traverses. It appears that the applicant is attempting to state the term "juxtaposed" has a meaning of abutting side by side. The examiner, as required by MPEP 2111 must interpret the claims the pending claims must be "given the broadest reasonable interpretation consistent with the specification." In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). As the specification just specifies that the conductors are juxtaposed, the examiner has relied on the Webster's dictionary for the meaning of "juxtaposed". The definition of juxtaposed as defined by the Webster's Dictionary (see enclosed copy) is

"To place side by side especially for contrast or comparison"

Clearly, while Gray does disclose the conductors having a slight space between each other, given the broadest interpretation and relying on the dictionary definition, the conductors as illustrated in Figure 2 as disposed side by side (i.e. juxtaposed). If the

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applicant intends to state that the "bare conductors are abutting each other", then he/she should claim such as it is noted that such features are not recited in the rejected claim(s) and although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In light of the above comments, the examiner respectfully submits that the rejection under 35 USC 102(b) is proper and just.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Communication

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



WHM III
April 9, 2003